

From: [John Hebert](#)  
To: [Ambuter, Hal](#)  
Cc: [Jennifer Gaines](#)  
Subject: RE: Mimas III.pdf  
Date: 06/19/2009 04:08 PM

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Hi Hal - Jennifer was out today and I've been swamped b/c I'll be out of the office next week. But I think Jennifer pretty clearly responded to your questions and I really don't have much to add. OPP's policy of allowing "new" on labels 6 months from the registration date has been in effect during my 20 years here. Since the claim was not on your label at registration - it's no longer considered "new". Regarding the tamper resistant claim appropriate for your product - we cannot deviate from the language in the mitigation decision. For the bait stations, the tiered rating (for lack of a better word) system needs to be clearly communicated to the user so that he/she will know what station to purchase given their particular situation. Simply stating "Tamper Resistant Bait Station" does not tell the consumer if it meets the definition of tamper resistance for dogs, children, weather, etc.

Regards,  
John

▼ "Ambuter, Hal" ---06/18/2009 06:02:06 PM---Jennifer and John, Can we arrange a convenient time to discuss these points?

From: "Ambuter, Hal" <Hal.Ambuter@reckittbenckiser.com>  
To: Jennifer Gaines/DC/USEPA/US@EPA  
Cc: John Hebert/DC/USEPA/US@EPA  
Date: 06/18/2009 06:02 PM  
Subject: RE: Mimas III.pdf

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Jennifer and John,

Can we arrange a convenient time to discuss these points?

This is rather urgent and I will clear my calendar accordingly...

~ hal

-----Original Message-----

From: Gaines.Jennifer@epamail.epa.gov  
[mailto:Gaines.Jennifer@epamail.epa.gov]  
Sent: Thursday, June 18, 2009 3:34 PM  
To: Ambuter, Hal  
Cc: Hebert.John@epamail.epa.gov  
Subject: RE: Mimas III.pdf

Hi Hal,

I just got out of my training and am catching up on my e-mails before  
I leave the office for the day so I'm going to first address  
your  
question regarding the issue with New York and "New" on 3282-90  
and -91.  
Both of those products were registered on November 10, 2008  
which puts

them outside of the 6 month time frame. That 6 months is initiated from the stamp date so based on that, you can not have "New" on either one of those products. Also, when those labels were stamped, the word "New" was not placed on them, therefore, it would not be allowed. If you wanted to add "New" to the labels, it would have to be submitted via label amendment. But since the 6 months is already passed, there isn't anything that can be done now.

As for the statement of "Tamper Resistant Bait Station", that statement is not allowed. In PR Notice 94-7, the criteria for using "Tamper Resistant Bait Station" are listed and being that this is a Tier III station, those criteria are not met. As for using all caps or initial caps, I will verify whether that is an issue or not. I think the main concern is ensuring the correct RMD wording is used, but I will double check anyway and get back to you on that.

I hope this is helpful for you and clears up your questions. I will be out of the office tomorrow and back in on Monday, but feel free to send any more questions or concerns you may have. Have a good weekend.

Sincerely,  
Jennifer

Jennifer Gaines  
Wildlife Biologist  
U.S. Environmental Protection Agency  
Insecticide-Rodenticide Branch  
Registration Division (7505P)

Tel: 703 305-5967  
Fax: 703 305-6309

From: "Ambuter, Hal" <Hal.Ambuter@reckittbenckiser.com>

To: Jennifer Gaines/DC/USEPA/US@EPA

Cc: John Hebert/DC/USEPA/US@EPA

Date: 06/18/2009 02:45 PM

Subject: RE: Mimas III.pdf

Jennifer,

A further follow-up from this morning as I responded from home and did not fully study your response.

1. Marketing really wants to put a heading over this section...So would the attached be acceptable? Or, I could pull the heading out of the box and put it right over the box.

2. I noticed on your version you sent back that all the words in full capital letters. The RMD just has initial caps. Please verify.

Thanks for working through this issue with us!

Greatly appreciated!

~ hal

-----Original Message-----

From: Gaines.Jennifer@epamail.epa.gov  
[mailto:Gaines.Jennifer@epamail.epa.gov]  
Sent: Thursday, June 18, 2009 6:19 AM  
To: Ambuter, Hal  
Cc: Hebert.John@epamail.epa.gov; Peacock.Dan@epamail.epa.gov;  
Jacobs.Bill@epamail.epa.gov  
Subject: Re: Mimas III.pdf

Good morning Hal,

Unfortunately for the marketing people, I'm sticking to the RMD and its required text. However, I have attached an edited version of the label that has the RMD wording just spaced differently than the original submission so it looks as though it uses the same space as the version you just sent me. To maintain consistency between all label submissions, I am making sure the required text is used. I will be leaving the office today at 8:00 and will return on Monday, so I wanted to respond to you as soon as I could to give you time to show this version to your marketing people. I do check my e-mails from home in case you have any other questions. And again, thank you for checking first to see what label wording would be acceptable. I hope this version helps and have a great weekend!

Jennifer

Jennifer Gaines  
Wildlife Biologist  
U.S. Environmental Protection Agency  
Insecticide-Rodenticide Branch  
Registration Division (7505P)

Tel: 703 305-5967  
Fax: 703 305-6309

(See attached file: d-Con BaitStationIlabel2NDVERSION.pdf)